

## § 172.300

are not required to sign either the manifest or shipping paper.

(3) When delivering hazardous waste to the designated facility, a rail transporter must:

(i) Obtain the date of delivery and handwritten signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

(ii) Retain a copy of the manifest or signed shipping paper in accordance with 40 CFR 263.22.

(4) When delivering hazardous waste to a non-rail transporter, a rail transporter must:

(i) Obtain the date of delivery and the handwritten signature of the next non-rail transporter on the manifest; and

(ii) Retain a copy of the manifest in accordance with 40 CFR 263.22.

(5) Before accepting hazardous waste from a rail transporter, a non-rail transporter must sign and date the manifest and provide a copy to the rail transporter.

(g) The person delivering a hazardous waste to an initial rail carrier shall send a copy of the manifest, dated and signed by a representative of the rail carrier, to the person representing the designated facility.

(h) A hazardous waste manifest required by 40 CFR part 262, containing all of the information required by this subpart, may be used as the shipping paper required by this subpart.

(i) The shipping description for a hazardous waste must be modified as required by §172.101(c)(9).

[Amdt. 172-58, 45 FR 34698, May 22, 1980, as amended by Amdt. 172-90, 49 FR 10510, Mar. 20, 1984; 49 FR 11184, Mar. 26, 1984; Amdt. 172-248, 61 FR 28675, June 5, 1996; 70 FR 34075, June 13, 2005]

## Subpart D—Marking

### § 172.300 Applicability.

(a) Each person who offers a hazardous material for transportation shall mark each package, freight container, and transport vehicle containing the hazardous material in the manner required by this subpart.

(b) When assigned the function by this subpart, each carrier that trans-

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ports a hazardous material shall mark each package, freight container, and transport vehicle containing the hazardous material in the manner required by this subpart.

(c) Unless otherwise provided in a specific rule, stocks of preprinted packagings marked in accordance with this subpart prior to the effective date of a final rule may be continued in use, in the manner previously authorized, until depleted or for a one-year period subsequent to the compliance date of the marking amendment, whichever is less.

[Amdt. 172-101, 45 FR 74666, Nov. 10, 1980, as amended at 76 FR 3365, Jan. 19, 2011]

### § 172.301 General marking requirements for non-bulk packagings.

(a) *Proper shipping name and identification number.* (1) Except as otherwise provided by this subchapter, each person who offers a hazardous material for transportation in a non-bulk packaging must mark the package with the proper shipping name and identification number (preceded by “UN”, “NA” or “ID,” as appropriate) for the material as shown in the §172.101 Hazardous Materials Table. The identification number marking preceded by “UN”, “NA”, or “ID” as appropriate must be marked in characters at least 12 mm (0.47 inches) high. Packages with a maximum capacity of 30 liters (8 gallons) or less, 30 kg (66 pounds) maximum net mass, or cylinders with a water capacity of 60 liters (16 gallons) or less must be marked with characters at least 6 mm (0.24 inches) high. Packages with a maximum capacity of 5 liters (1.32 gallons) or 5 kg (11 pounds) or less must be marked in a size appropriate for the size of the package.

(i) *Transitional exception.* For domestic transportation, until January 1, 2017, the identification number markings are not subject to the minimum size requirements specified in this paragraph (a)(1).

(ii) Exception for permanently marked packagings. For domestic transportation, a packaging manufactured prior to January 1, 2017 and permanently marked (e.g., by embossing or through a heat stamp process) with the appropriate identification number marking may continue in service until

the end of its useful life regardless of whether the identification number markings meet the minimum size requirements specified in this paragraph (a)(1).

(2) The proper shipping name for a hazardous waste (as defined in §171.8 of this subchapter) is not required to include the word “waste” if the package bears the EPA marking prescribed by 40 CFR 262.32.

(3) *Large quantities of a single hazardous material in non-bulk packages.* A transport vehicle or freight container containing only a single hazardous material in non-bulk packages must be marked, on each side and each end as specified in the §172.332 or §172.336, with the identification number specified for the hazardous material in the §172.101 Table, subject to the following provisions and limitations:

(i) Each package is marked with the same proper shipping name and identification number;

(ii) The aggregate gross weight of the hazardous material is 4,000 kg (8,820 pounds) or more;

(iii) All of the hazardous material is loaded at one loading facility;

(iv) The transport vehicle or freight container contains no other material, hazardous or otherwise; and

(v) The identification number marking requirement of this paragraph (a)(3) does not apply to Class 1, Class 7, or to non-bulk packagings for which identification numbers are not required.

(b) *Technical names.* In addition to the marking required by paragraph (a) of this section, each non-bulk packaging containing a hazardous material subject to the provisions of §172.203(k) of this part, except for a Division 6.2 material, must be marked with the technical name in parentheses in association with the proper shipping name in accordance with the requirements and exceptions specified for display of technical descriptions on shipping papers in §172.203(k) of this part. A technical name should not be marked on the outer package of a Division 6.2 material.

(c) *Special permit packagings.* Except as provided in §173.23 of this subchapter, the outside of each package authorized by a special permit must be plainly and durably marked “DOT-SP”

followed by the special permit number assigned. Packages authorized by an exemption issued prior to October 1, 2007, may be plainly and durably marked “DOT-E” in lieu of “DOT-SP” followed by the number assigned as specified in the most recent version of that exemption.

(d) *Consignee’s or consignor’s name and address.* Each person who offers for transportation a hazardous material in a non-bulk package shall mark that package with the name and address of the consignor or consignee except when the package is—

(1) Transported by highway only and will not be transferred from one motor carrier to another; or

(2) Part of a carload lot, truckload lot or freight container load, and the entire contents of the rail car, truck or freight container are shipped from one consignor to one consignee.

(e) *Previously marked packagings.* A package which has been previously marked as required for the material it contains and on which the marking remains legible, need not be remarked. (For empty packagings, see §173.29 of this subchapter.)

(f) *NON-ODORIZED marking on cylinders containing LPG.* No person may offer for transportation or transport a specification cylinder, except a Specification 2P or 2Q container or a Specification 39 cylinder, containing unodorized liquefied petroleum gas (LPG) unless it is legibly marked NON-ODORIZED or NOT ODORIZED in letters not less than 6.3 mm (0.25 inches) in height near the marked proper shipping name required by paragraph (a) of this section. The NON-ODORIZED or NOT ODORIZED marking may appear on a cylinder used for both unodorized and odorized LPG.

[Amdt. 172-123, 55 FR 52590, Dec. 21, 1990, as amended by Amdt. 172-151, 62 FR 1227, Jan. 8, 1997; 62 FR 39404, July 22, 1997; 63 FR 16075, Apr. 1, 1998; 66 FR 45182, Aug. 28, 2001; 68 FR 45030, July 31, 2003; 69 FR 64471, Nov. 4, 2004; 70 FR 73164, Dec. 9, 2005; 71 FR 32258, June 2, 2006; 76 FR 3365, Jan. 19, 2011; 76 FR 56314, Sept. 13, 2011; 78 FR 1072, Jan. 7, 2013; 78 FR 65478, Oct. 31, 2013; 81 FR 35540, June 2, 2016]

#### § 172.302 General marking requirements for bulk packagings.

(a) *Identification numbers.* Except as otherwise provided in this subpart, no